

1 TODD M. LEVENTHAL, ESQ  
2 Leventhal and Associates, PLLC  
3 Nevada Bar No. 8543  
4 California Bar No. 223577  
5 626 South Third Street  
6 Las Vegas, Nevada 89101  
7 PHONE: (702) 472-8686  
8 [leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com)  
9 **Attorney for Vang Tran**

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8  
9 THE UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 VANG TRAN,

13 Defendant.  
14

Case no.: 2:18-cr-00390-RFB-BNW

15 **STIPULATION TO CONTINUE**  
16 **PLEA HEARING**

17 IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich,  
18 United States Attorney, through Allison Reese, Assistant United States Attorney, and Defendant,  
19 Vang Tran by and through his counsel, Todd M. Leventhal, that the Change of Plea Hearing  
20 currently scheduled for March 19, 2020 be VACATED and set for a date and time convenient for  
21 the court but no sooner than ninety (90) days.

22 This Stipulation is entered into for the following reasons

- 23 1. On March 10, 2020, Defendant Vang Tran filed a Notice of Intent to Plead Guilty  
24 without the Benefit of a Plea Agreement. ECF No. 109. The Court then set a change of  
plea hearing for March 17, 2020, which was subsequently vacated and reset to March 19,  
2020. *See* ECF Nos 113 and 114.

2. In light of the COVID-19 pandemic and the Court's Temporary General Order 2020-03, the parties stipulate that the most prudent course of action is to continue the March 19, 2020 change of plea hearing to avoid creating a risk for the court, its staff, the parties and their counsel.

3. Defendant Vang Tran is in custody and does not object to the continuance.

4. The parties agree to the continuance.

5. This is the first request for a continuance of the change of plea hearing.

6. This stipulation is not made for the purpose of delay, but rather, it is made in response to both statewide and national emergencies that call for appropriate measures to be enacted whenever possible.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

DATED this 18<sup>th</sup> day of March, 2020

Respectfully submitted by: Todd M. Leventhal, Esq.

/s/ Todd M. Leventhal  
TODD M. LEVENTHAL  
Counsel for Defendant  
Vang Tran

/s/ Allison Reese  
ALLISON REESE  
Assistant U.S. Attorney

1 TODD M. LEVENTHAL, ESQ  
2 Leventhal and Associates, PLLC  
3 Nevada Bar No. 8543  
4 California Bar No. 223577  
5 626 South Third Street  
6 Las Vegas, Nevada 89101  
7 PHONE: (702) 472-8686  
8 [leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com)  
9 **Attorney for Vang Tran**

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

9 THE UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 VANG TRAN,

13 Defendant.

Case No.: 2:18-cr-00390-RFB-BNW

12 **STIPULATION TO CONTINUE**

13 **PLEA HEARING**

14 **FINDINGS OF FACT**

15 Based on the Stipulation of counsel, and good cause appearing, the Court finds that:

- 16
- 17 1. On March 10, 2020, Defendant Vang Tran filed a Notice of Intent to Plead Guilty
- 18 without the Benefit of a Plea Agreement. *See* ECF No. 109. The Court then set a change
- 19 of plea hearing for March 17, 2020, which was subsequently vacated and reset to March
- 20 19, 2020. *See* ECF Nos 113 and 114.
- 21 2. In light of the COVID-19 pandemic and the Court's Temporary General Order 2020-03,
- 22 the parties stipulate that the most prudent course of action is to continue the March 19,
- 23 2020 change of plea hearing to avoid creating a risk for the court, its staff, the parties and
- 24 their counsel.

- 1 3. Defendant Vang Tran is in custody and does not object to the continuance.
- 2 4. The parties agree to the continuance.
- 3 5. This is the first request for a continuance of the change of plea hearing.
- 4 6. This stipulation is not made for the purpose of delay, but rather, it is made in response to
- 5 both statewide and national emergencies that call for appropriate measures to be enacted
- 6 whenever possible.
- 7 7. Additionally, denial of this request for continuance could result in a miscarriage of justice.
- 8 The additional time requested by this Stipulation is excludable in computing the time
- 9 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
- 10 § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

11 **CONCLUSIONS OF LAW**

12 The ends of justice served by granting said continuance outweigh the best interest of the

13 public and the defendants in a speedy trial, since the failure to grant said continuance would be

14 likely to result in creating unnecessary risk to the court, its staff, the parties, their counsel and the

15 public.

16 The continuance sought herein is excludable in computing the time within which the trial

17 must commence pursuant to the Speedy Trial Act, 18 U.S.C., Section 3161(h)(7)(A), when

18 considering the factors set forth under 18 U.S.C., Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

19 **ORDER**

20 IT IS HEREBY ORDERED that the Change of Plea Hearing currently scheduled for March

21 19, 2020, at the hour of 1:00 p.m. be continued to June 18, 2020 at the hour of 10:30AM

22 in Las Vegas Courtroom 7C

23 DATE: March 18, 2020.

24   
\_\_\_\_\_  
RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of March, 2020 a true and correct copy of the,  
**STIPULATION AND ORDER TO CONTINUE PLEA HEARING** was filed through the  
CM/ECF filing system and was electronically served to the following registered addresses on file  
for this instant case.

\_\_\_\_\_  
/s/ Todd M. Leventhal  
TODD M. LEVENTHAL, ESQ.  
LEVENTHAL & ASSOCIATES, PLLC.